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October 20, 2010

Michael Massey, Esq.
Office of the Regional Counsel
United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 904105

**Re: Yosemite Creek Superfund Site, San Francisco, CA
Response to 104(e) Information Request**

Dear Mr. Massey,

I left you a message the other week in connection with the above initial request for information and EPA's letter request for additional information. I understand you have been out of the office and I wanted to ascertain some direction regarding the follow-up request. As I mentioned in our response letter, Reichhold entered into a settlement agreement with Certain Members of the Bay Area Drum PRP Ad Hoc Group in 2001. I had been under the incorrect impression that Mr. Van aelstyne of that Group, as part of their obligations to Reichhold, was in discussions with you regarding the responses to the 104(e) request; having learned that was not the case, I wanted to speak with you directly to focus on where you feel additional information needs to be provided.

As noted in the earlier response, I have located no information or documents that indicate that Reichhold sent waste to the Bay Area Drum site (which I understand is the claimed basis for PRP liability at Yosemite Creek). The only information that appears to connect Reichhold to the Site (and which formed the basis for the nuisance settlement in 2001) was an interview of a driver who claimed to pick up waste and deliver it to Bay Area Drum from various entities. The interview has been claimed to be confidential and privileged by the Bay Area Drum Group. The timeframe allegedly attributed to Reichhold is for a period in which Reichhold did not own the facility in question. I have attached a copy of a response to the San Francisco Regional Water Quality Control Board dated February 26, 1997, which notes that Reichhold did not lease the property in question until 2 years after BAD was closed.

Michael Massey, Esq,
October 20, 2010

If EPA is in possession of some documents or material connecting Reichhold with the Bay Area Drum Site, it would be helpful to receive the same to respond to the Agency's request for additional information. There appears to be no connection between Reichhold and the Site. It is difficult to see how any information request to Reichhold is appropriate given the lack of a nexus between it and the Site nonetheless, we have worked cooperatively with EPA in the past and I will contact you to discuss how we may provide further information to resolve the matter.

Very truly yours,

MILLHOUSE LAW GROUP

A handwritten signature in dark ink, appearing to read "Keith F. Millhouse", with a stylized flourish at the end.

KEITH F. MILLHOUSE

*Attachment
was correctly
omitted from
original.
Included herein.*

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Very truly yours,

MILLHOUSE LAW GROUP

A handwritten signature in black ink, appearing to read "Keith F. Millhouse", written in a cursive style.

KEITH F. MILLHOUSE

Reichhold Chemicals, Inc.

3320 Lincoln Avenue
Tacoma WA 98421

February 26, 1997

REICHHOLD

DELIVERED BY EXPRESS MAIL AND
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Loretta K. Barsamian
San Francisco Bay Regional Water
Quality Control Board
Executive Officer
Cal/EPA
2101 Webster Street, Suite 500
Oakland, CA 94612

Re: Property at 956 Bransten Road
San Carlos, San Mateo County
Request for Technical Report on Site History

Dear Ms. Barsamian:

This letter is Reichhold Chemicals, Inc.'s ("Reichhold's") response to your request for site history information concerning the above-referenced property. Reichhold understands that the Regional Water Quality Control Board ("Board") is investigating groundwater at the 956 Bransten Road location and is seeking information to assist in that work. We have responded below in corresponding order to the inquiries set out in your letter which we received in mid-January 1997.

1. Reichhold has never owned the property at 956 Bransten Road, San Carlos, San Mateo County, California ("the Property").
2. Reichhold cannot confirm the identity of the prior Property owner, but understands from the former lessor of the Property, that the prior owner may have been Ms. Grace Winter Hughes. Reichhold leased the Property from Mr. Marshall F. Hughes, whose last known address to Reichhold was 430 Nottingham Drive, Paradise, California 95969. Reichhold leased the Property from September 1989 to May 14, 1995; however, the plant was only operated for a period of approximately two years. Plant operations ceased in 1991. A Business

Closure Plan was developed by CH2M Hill and Riedel Environmental Services and submitted to the San Mateo County Environmental Health Division ("SMCOEH") in April 1994. At a meeting held on April 27, 1994, at the Property, the Closure Plan was approved by SMCOEH. The Certification for Closure was submitted to SMCOEH in December 1994. The premises were surrendered to the lessor in April 1995.

3. Prior Property operators known to Reichhold include the following:

- ▼ NL Chemicals, Inc.
Last known address for NL Chemicals, Inc.:
Kronos, Inc.
P.O. Box 700
Wyckoffs Mill Road
Hightstown, NJ 08520
(609/443-2000)
- ▼ NL Spencer-Kellogg, Inc.
Last known address for NL Spencer-Kellogg, Inc.:
Kronos, Inc.
P.O. Box 700
Wyckoffs Mill Road
Hightstown, NJ 08520
(609/443-2000)
- ▼ NL Industries, Inc.
Last known address for NL Industries, Inc.:
Kronos, Inc.
P.O. Box 700
Wyckoffs Mill Road
Hightstown, NJ 08520
(609/443-2000)
- ▼ Spencer-Kellogg Division of Textron, Inc.
Last known address for Textron, Inc.:
40 Westminster Street
Providence, RI
(401/621-4200)

Loretta K. Barsamian

February 26, 1997

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- ▼ Kelly-Pickering Corporation
Address unknown
 - ▼ Kelly-Pickering Chem. Corp.
Address unknown
 - ▼ John F. Kelly dba John F. Kelly Company
Address unknown
4. Reichhold did not sublease the Property during its lease term.
5. A detailed description of Reichhold's approximately two years of operation is set out in the following documents along with reports concerning soils and groundwater investigations conducted at the Property by a prior operator, NL Industries (see particularly section 2.0 of the Closure Plan and the Executive Summary, Conclusions of the Executive Summary and section 2.3 of the Closure Activities Report). The following documents are enclosed with this report:
- (a) CH2M Hill and Riedel Environmental Services, Inc., "Closure Plan, Reichhold Chemicals, Inc. San Carlos Facility" (April 1994) ("Closure Plan") (submitted to the San Mateo County Environmental Health Division in April 1994 and approved by the County during a meeting at the Property on April 27, 1994);
 - (b) Letter to Mr. Estuardo Montufar, San Mateo County Department of Health Services, Environmental Health Division, from Ms. Madeline Wall, CH2M Hill Project Manager (July 28, 1994) (discussing schedule of verification sampling);
 - (c) CH2M Hill, "Certification of Closure, Reichhold Chemicals, Inc., San Carlos Facility" (December 1994), prepared for Reichhold Chemicals, Inc.;
 - (d) Letter to Mr. Alan S. Jeroue, Reichhold Chemicals, Inc., from Mr. F. Estuardo Montufar, Hazardous Materials Specialist IV, San Mateo County Department of Environmental Health Services, Environmental Health Division (January 10, 1995) (discussing Closure Plan);

Loretta K. Barsamian

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- (e) CH2M Hill, "Report on Step 1, Step 2, and Step 3 Closure Activities, Reichhold Chemicals, Inc. Former San Carlos Facility" (June 1995) ("Closure Activities Report"), prepared for Reichhold Chemicals, Inc.;¹
- (f) Letter to Ms. Sabrina Mih, San Mateo County Department of Health Services, Environmental Health Division, from Ms. Madeline Wall, CH2M Hill Project Manager (June 21, 1995) (discussing Reichhold Facility Closure);
- (g) Letter to Mr. Estuardo Montufar, Hazardous Materials Specialist IV, San Mateo County Department of Health Services, Environmental Health Division, from Claudia K. Powers, Esq., Ater Wynne (August 2, 1995) (discussing Business Closure);
- (h) Letter to Mr. Jim Tracewski, NL Industries, from Mr. Tom Graf, P.E., Levine-Fricke (August 21, 1987) (enclosing "Data Report on Removal of Two Underground Storage Tanks at Spencer-Kellogg's Facility, San Carlos, California").
- (i) Letter to Mr. Bill Lent, San Mateo County Department of Health Services, Environmental Health Division, from Mr. Tom Graf, P.E., Levine-Fricke (October 19, 1987) (discussing completion of soil aeration at Spencer-Kellogg site);
- (j) Letter to Mr. Bill Lent, San Mateo County Health Department, from Mr. Tom Graf, P.E., Levine-Fricke (April 6, 1988) (discussing results of shallow groundwater survey at the Spencer-Kellogg facility);

¹ We note that information concerning facility operators in the Closure Activities Report requires updating and clarification. Apparently six named operators (instead of four) produced resins for paint manufacture at the Property. Apparently, the first operator was John F. Kelly dba John F. Kelly Company who began operating in 1959. It appears that he formed the Kelly-Pickering Chem. Corp. and the Kelly-Pickering Corporation. The Spencer-Kellogg Division of Textron became the operator in the 1960s. NL Chemicals and NL Spencer-Kellogg took over operations in the mid-1980s. Reichhold operated the plant from late 1989 through 1991. Except for Reichhold's tenure, Reichhold cannot confirm operating tenure of these parties.

Loretta K. Barsamian

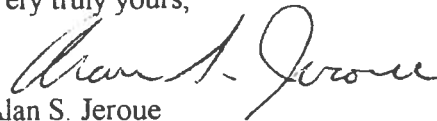
February 26, 1997

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- (k) Levine-Fricke, "Shallow Ground-Water Investigation to Assess the Lateral Extent of Volatile Organic Compounds in Shallow Soils and Ground Water at the Spencer-Kellogg Facility San Carlos" (September 26, 1988), prepared for NL Industries;
 - (l) Levine-Fricke, "Phase II Hydrogeologic Investigation Spencer-Kellogg Facility San Carlos, California," (January 12, 1990), prepared for NL Industries;
 - (m) Letter to Mr. Jim Tracewski, Ebasco Environmental Services, Inc., from Ms. Amanda Spencer, Project Hydrogeologist, Levine-Fricke (June 5, 1990) (enclosing "Revised Report, Results of Third Quarter Sampling Event, Spencer-Kellogg Facility, San Carlos, California");
 - (n) Levine-Fricke, "Results of Fourth Quarter Sampling Event Former Spencer-Kellogg Facility San Carlos, California" (June 25, 1990), prepared for Ebasco Environmental Services, Inc.
6. See documents referenced in item number 5 above.
7. The sources consulted to respond to the items above are referenced in the reports set out in response to item five and include written records, former employees and local agency files.

By this letter, Reichhold is providing you with all relevant nonprivileged information that it understands to be responsive to your inquiries. The information is true and correct to Reichhold's actual knowledge. If we can help you further, please call Ms. Claudia Powers at 503/226-1191.

Very truly yours,



Alan S. Jeroue
Project Manager
Reichhold Chemicals, Inc.

Enclosures

cc: NL Industries